FEDERAL REGISTER

VOLUME 6 NUMBER 185

Washington, Tuesday, September 23, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

SUBCHAPTER H—REHABILITATION

PART 373—STANDARD METHODS

Paragraphs (g) (5) and (h) (3) and (4)[1] of § 373.11 of part 373 of Subchapter H in Title 6, Chapter III of the Code of Federal Regulations[2] are hereby superseded by the following:

§ 373.11 *Standard rural rehabilitation loans: Criteria and county office routine.*

* * * * *

(g) *Notes and other security.*

* * * * *

(5) Certificates of priority (that is, abstracts of the liens filed or recorded against the property to be mortgaged) will be required in all cases where loan funds are being advanced and a new or renewal mortgage is taken, and may be required at the discretion of the regional director in other cases where new securing documents are taken. Costs therefor, if any, will be paid by or charged to the account of the borrower whenever a mortgage on new security or a renewal mortgage is taken, except that where the new or renewal mortgage is not given to secure a new loan or advance and the borrower's Loan Agreement was executed on a copy of Form FSA–RR 15 printed previous to the revision of the revision of the Form dated March 15, 1940, the costs for such certificates may not be charged to the borrower. The regional director will issue detailed instructions as to the circumstances under which certificates of priority will be required and how they will be obtained. (i) Certificates of priority will be prepared on Form FSA–LE 87 or Form FSA–RR 87A, "Report of Lien Search" (depending upon the recommendation of the regional attorney as to which of the two Forms should be used), in an original and one copy covering all liens other than liens on real estate. The original will be retained by the RR supervisor and the copy will be forwarded to the regional office.

(ii) Certificates of priority should in all cases be executed by competent persons. It is preferable wherever possible, that they be prepared by competent FSA employees at no cost to the borrower. They may be obtained, however, through regular commercial channels if it is impracticable for FSA employees to perform such services and the amounts involved are not unreasonable. The maximum charges which may be considered reasonable for such services will be determined by the regional director for each state or area.

(6) In areas where local law gives the landlord a prior lien on crops and it is impossible to obtain a subordination from him the best lien obtainable will be taken. In those instances in which an obligation secured by a lien prior to that of the FSA (i) is about to mature or has matured, and the holder of such a lien desires to extend or renew the obligation, or (ii) where the refinancing of said obligation can be obtained from another lending agency or individual (provided said refinancing is determined by the regional director to be necessary in the furtherance of the rehabilitation of the borrower, and, *Provided further:* That the principal amount of the obligation to be secured by the lien in favor of the refinancing agency or individual does not exceed the unpaid principal balance plus accrued interest or other proper charges due under the existing prior lien at the time the subordination provided for herein becomes effective), a subordination agreement may be executed by the regional director to preserve the priority of such lien or of the lien which will be substituted therefor if the obligation is refinanced, providing the relative position of the FSA lien is maintained, and the repayment of the FSA loan is not thereby jeopardized. It is the policy of the FSA not to subordinate FSA liens, to either Federal or non-Federal agencies or individuals. In particular, except as

[1] These paragraphs correspond to paragraphs IX E, 1, 2, 3 and F; X C and D of Farm Security Administration Instructions.

[2] 6 F.R. 25.

CONTENTS

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

herein provided, it is contrary to FSA policy to subordinate FSA liens in order to permit borrowers to obtain credit from outside sources. As a general rule, it is considered that the rehabilitation of the borrower can best be achieved by providing all his credit needs from FSA funds during the period of his rehabilitation. Exceptions to the foregoing policy may be granted only upon written authority of the Director of the RR Division. After such authority has been given, the regional director may prepare and execute the subordination agreement.

(h) *Executing, recording and filing of securing documents.*

* * * * *

(3) Statutory fees for filing or recording mortgages or other legal instruments (including renewal mortgages or statements, or Form FSA–LE 126, "Affidavit of Extension and Renewal") incidental to loan transactions will in all cases be paid by or charged to the account of the borrower.

(4) RR supervisors will be expected to collect all necessary fees from the borrower in payment for recording, filing, or other similar action, at the time of delivery of the loan check or at the time of execution of new or renewal security. In each instance in which cash is accepted by the collecting official or other FSA personnel to be used to pay the filing fees or cost of recordation of security instruments, Form FSA–385, "Acknowledgement of Payment of Filing or Recording Fees", will be executed in duplicate. (Books of serially numbered "Acknowledgement" Forms will be issued to collecting officials from the regional office upon their request.) The original will be given to the borrower and the copy will be retained in the book. It is important that the collecting official or other personnel who accept custody of such fees make it clear to the borrower that the amount so accepted is not received by the Government as a credit on the borrower's loan indebtedness, but is accepted only for the purpose of paying the recordation or filing fees in behalf of the borrower. Collecting officials will obtain written receipt for disbursement of the fees collected either in the blank space at the bottom of the retained copy of the "Acknowledgement" Form, or on a separate receipt form issued by the county clerk or other official performing the service for which the fee was collected. If a separate receipt is obtained, it should be securely fastened to the book of copies of the "Acknowledgement" to be retained permanently in the county office. If the borrower is without financial resources, and the necessary fees cannot be collected from him in advance, the RR supervisor may pay such fees by means of Standard Form No. 1034, "Public Voucher for Purchases and Services Other than Personal". In cases where local recording officials or others will not or cannot accept Standard Form No. 1034 in payment of such fees, the RR supervisor, if specifically authorized in his "Letter of Authorization", may pay such fees in cash and obtain reimbursement by means of a separate Standard Form No. 1012, "Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel". Where payment of recording, filing, or other fees chargeable to the borrower is made by means of Standard Form No. 1034, or where the fee is paid in cash and reimbursement is sought through Standard Form No. 1012, the Voucher, in either case, must contain instructions that the amount of such fee be charged to the account of the borrower for whom the fee has been paid. Such claims for reimbursement must not be included on the same Voucher as claims for mileage and per diem reimbursements, and will be submitted in an original and three copies. Wherever possible, the RR supervisor must avoid paying recording and filing fees in cash and seeking reimbursement through Standard Form No. 1012 because of the additional cost incident to the transfer of such charges to the borrower's account when they are paid in this way. (54 Stat. 611, and Sec. Memo. 867, June 28, 1940, which extends the life of previous orders of the Secretary and makes them applicable under the Act; 50 Stat. 522, and Sec. Memo. 738, Sept. 30, 1937.)

Approved: September 10, 1940.

[SEAL] R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 41–7062; Filed, September 20, 1941; 11:03 a. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q.—Q. 71]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—DUTCH ELM DISEASE QUARANTINE

Revision of Quarantine and Regulations Effective October 1, 1941

Introductory note. This revision of the quarantine and regulations extends the

regulated areas to include parts of nine Pennsylvania counties and additional sections in Connecticut, New Jersey, and New York where the Dutch elm disease has been located, including parts of the following newly added counties: New London County, Conn., Burlington and Ocean Counties, N. J., and the New York counties of Albany, Broome, Chenango, Delaware, Greene, Otsego, and Sullivan. The town of Huntington, Suffolk County, N. Y., has been removed from the regulated area. The Chief of the Bureau of Entomology and Plant Quarantine, under authorization contained in the present revision of the quarantine notice, may modify, by making less stringent, the restrictions of the regulations.

Summary. The areas covered by these regulations comprise parts of Connecticut, New Jersey, New York, and Pennsylvania as designated in § 301.71–3.

These regulations prohibit the interstate movement from the regulated areas of all parts of elms of all species, except that elm lumber or products manufactured from or containing elm wood, if entirely free from bark, are exempt from restriction.

No restrictions are placed on the interstate movement wholly within the regulated area.

Shipments originating outside the regulated area may be moved through the regulated area only on through billing. Restricted articles trucked through the regulated area in summer must be covered.

Determination of the Secretary of Agriculture. The Secretary of Agriculture, having given the public hearing required by law and having determined that it was necessary to quarantine the States of Connecticut, New Jersey, and New York, to prevent the spread of the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz)), a dangerous plant disease not theretofore widely prevalent or distributed within and throughout the United States, on February 20, 1935, promulgated a revision of Notice of Quarantine § 301.71, Part 301, Chapter III, Title 7, Code of Federal Regulations, and the regulations supplemental thereto, governing the movement of elm plants or parts thereof of all species of the genus *Ulmus,* irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood was entirely free from bark), from any of the above-named States into or through any other State or Territory or District of the United States, §§ 301.71–1–6 inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q. 71, effective on and after February 25, 1935]. The Secretary of Agriculture, having given a further public hearing in the matter, has determined that it is necessary to revise the quarantine and regulations for the purpose of extending the regulated areas owing to the existence of substantial infections of the Dutch elm disease in Pennsylvania and in additional sections of Connecticut, New Jersey, and New York, and to make other modifications.

Order of the Secretary of Agriculture. Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "Dutch Elm Disease" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q.71] is hereby amended effective October 1, 1941, to read as follows:

SUBPART—DUTCH ELM DISEASE QUARANTINE

§ 301.71 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture quarantines the States of Connecticut, New Jersey, New York, and Pennsylvania, to prevent the spread of the Dutch elm disease. Hereafter, elm plants or parts thereof of all species of the genus *Ulmus,* irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark) shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations hereinafter made and amendments thereto: *Provided,* That the restrictions of this quarantine and of the regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary, the enforcement of the aforesaid regulations as to such regulated areas shall be adequate to prevent the spread of the Dutch elm disease: *Provided further,* That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Dutch elm disease therefrom to other parts of the State: *And provided further,* That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infection: *And provided further,* That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.*

*§§ 301.71 to 301.71–5, inclusive, issued under the authority contained in sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

Regulations

§ 301.71–1 *Definitions.* For the purpose of these regulations the following words, names, and terms shall be construed, respectively to mean:

(a) *Dutch elm disease.* The plant disease known as the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz)), in any stage of development.

(b) *Quarantined area.* Any State quarantined by the Secretary of Agriculture to prevent the spread of the Dutch elm disease.

(c) *Regulated area.* Any area in a quarantined State which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 307.71, as revised.

(d) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(e) *Inspector.* An inspector of the United States Department of Agriculture.*

§ 301.71–2 *Limitations of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the first and second provisos to § 301.71, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.71 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*

§ 301.71–3 *Regulated areas.* In accordance with the first and second provisos to § 301.71, the Secretary of Agri-

culture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. Fairfield County; towns of Bethlehem, Bridgewater, Harwinton, Litchfield, Morris, New Milford, Roxbury, Thomaston, Torrington, Washington, Watertown, and Woodbury; in *Litchfield County;* all of *New Haven County* except the towns of Cheshire, Madison, Prospect, and Wolcott; and the town of Preston, in *New London County.*

New Jersey. Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union, and Warren; townships of Bordentown, Chesterfield, Mansfield, New Hanover, North Hanover, Pemberton, and Springfield, the city of Bordentown, and the boroughs of Fieldsboro and Pemberton, in *Burlington County;* all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; all of *Monmouth County* except the townships of Freehold, Millstone, Neptune, and Wall, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Jersey Homestead, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; and the township of Plumstead, in *Ocean County.*

New York. Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, and Westchester; town of Bethlehem, in *Albany County;* towns of Chenango, Colesville, Conklin, Fenton, Kirkwood, Sanford, and Windsor, in *Broome County;* towns of Afton, Bainbridge, Coventry, and Greene, in *Chenango County;* towns of Ancram, Claverack, Clermont, Copake, Gallatin, Germantown, Ghent, Livingston, and Taghkanic, in *Columbia County;* town of Deposit, in *Delaware County;* town of Catskill, in *Greene County;* town of Unadilla, in *Otsego County;* town of Mamakating, in *Sullivan County;* and all of *Ulster County* except the towns of Denning, Hardenbergh, Kingston, Olive, Shandaken, and Woodstock.

Pennsylvania. Township of Amity, in *Berks County;* all of *Bucks County* except the townships of Lower Southampton and Upper Southampton; townships of Lower Milford, Salisbury, and Upper Saucon, and the borough of Coopersburg, in *Lehigh County;* townships of Hanover, Pittston, and Plains, city of Wilkes-Barre, and the boroughs of Ashley, Edwardsville, Forty Fort, Kingston, Larksville, Plymouth, Sugar Notch, Warrier Run, and Wyoming, in *Luzerne County;* townships of Middle Smithfield, Smithfield, and Stroud, and the boroughs of Delaware Water Gap, East Stroudsburg, and Stroudsburg, in *Monroe County;* townships of Franconia, Hatfield, Lower Merion, Lower Moreland, Marlboro, New Hanover, Perkiomen, Salford, Upper Hanover, Upper Merion, West Norriton, and that portion of Whitemarsh Township northeast of Stenton Avenue, and the boroughs of Bridgeport, Bryn Athyn, East Greenville, Greenlane, Hatfield, Narberth, Pennsburg, Red Hill, Souderton, West Conshohocken, and West Telford, in *Montgomery County;* townships of Bethlehem, Hanover, Lower Mount Bethel, Lower Saucon, Upper Mount Bethel, and Williams, the city of Easton, and the boroughs of Freemansburg, Glendon, Hellertown, Portland, West Easton, and Wilson, in *Northampton County;* ward 35, in the city of Philadelphia, in *Philadelphia County;* and the townships of Harmony and Jackson, and the borough of Lanesboro, in *Susquehanna County.**

§ 301.71–4 *Control of movement of elm plants and elm products.* Elm plants or parts thereof of all species of the genus *Ulmus,* irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this regulation may be moved interstate from an area not under regulation through a regulated area to a nonregulated area only when such movement is on through billing: *Provided,* That such movement by truck or other road vehicle may not be made during the period from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease.*

§ 301.71–5 *Shipments for experimental and scientific purposes.* Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*

Done at Washington, D. C., this 20th day of September 1941.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

[F. R. Doc. 41–7086; Filed, September 22, 1941; 11:30 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 821—SUGAR QUOTAS

RESCISSION OF ORDER ALLOTING THE 1941 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, and on the basis of information now before the Secretary of Agriculture, it is hereby found and determined that the allotment of the 1941 sugar quota for the domestic beet sugar area is no longer necessary to accomplish the purposes of the act, and the "Decision and Order of the Secretary of Agriculture Allotting the 1941 Sugar Quota for the Domestic Beet Sugar Area," issued May 9, 1941, together with all supplements thereto,[1] is hereby rescinded. (Sec. 205, 50 Stat. 906; 7 U.S.C. 1115; Sec. 504, 50 Stat. 915; 7 U.S.C. 1174)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7063; Filed, September 20, 1941; 11:03 a. m.]

[G. S. Q. R. Series 8, No. 1, Rev. 5]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1941

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, the following regulations are hereby prescribed, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture:

§ 821.221 *Consumption requirements for 1941.* It is hereby determined, pursuant to section 201 of the Sugar Act of 1937, as amended (hereinafter referred to as the "act"), that a quantity of 9,002,976 short tons of sugar, raw value, is required as a consumption determination in order to make available the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1941. (Sec. 201, 50 Stat. 904; 7 U.S.C. 1111)

§ 821.222 *Quotas for domestic areas and proration of deficits therein*—(a) *Revised quotas.* There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas,

[1] 6 F.R. 2363, 3345, 4131, 4507.

for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	2,087,983
Mainland cane sugar	566,038
Hawaii	1,263,700
Puerto Rico	1,075,021
Virgin Islands	12,012

(b) *Deficit in quotas for the mainland cane sugar area and Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the mainland cane sugar area and Hawaii will be unable by the amounts of 121,038 and 270,178 short tons of sugar, raw value, respectively, to market the quotas established for those areas in paragraph (a) of this section.

(c) *Proration of deficits in quotas for the mainland cane sugar area and Hawaii.* An amount of sugar equal to the deficits determined in paragraph (b) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the said act, as follows:

Area:	*Additional quotas in terms of short tons, raw value*
Domestic beet sugar	142,054
Puerto Rico	73,139
Virgin Islands	817
Cuba	175,206

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.223 *Other quotas*—(a) *Revised quotas.* There are hereby established pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Commonwealth of the Philippine Islands	1,387,383
Cuba	2,575,255
Foreign countries other than Cuba	35,584

(b) *Deficit in quota for Commonwealth of Philippine Islands.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the Commonwealth of the Philippine Islands will be unable by an amount of 809,440,000 pounds of sugar, raw value, to market the quota established for that area in paragraph (a) of this section. (Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.224 *Proration of quota for foreign countries other than Cuba and Philippine deficit*—(a) *Revised prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries, as follows:

Country:	*Prorations in pounds, raw value*
Argentina	20,829
Canada	806,198
China & Hongkong	411,689
Costa Rica	29,431
Dominican Republic	9,528,661
Dutch East Indies	302,049
Guatemala	478,545
Haiti, Republic of	1,316,804
Honduras	4,804,833
Mexico	8,619,013
Nicaragua	14,004,800
Peru	15,831,055
Salvador	11,723,272
United Kingdom	501,072
Venezuela	414,367
Other Countries	1,119,162
Subtotal	70,699,000
Unallotted Reserve	500,000
Total	71,199,000

(b) *Additional prorations.* An amount of sugar equal to the deficit determined in § 821.223 (b) hereof is hereby prorated, pursuant to subsection (a) of section 204 of the said act, to foreign countries other than Cuba, as follows:

Country:	*Additional prorations in pounds, raw value*
Argentina	235,451
Canada	9,113,191
China & Hongkong	4,033,092
Costa Rica	332,092
Dominican Republic	107,711,000
Dutch East Indies	3,414,327
Guatemala	5,409,421
Haiti, Republic of	14,883,100
Honduras	55,443,745
Mexico	97,423,467
Nicaragua	105,092,353
Peru	178,917,823
Salvador	132,536,536
United Kingdom	5,664,063
Venezuela	4,681,189
Other countries	12,659,891
Subtotal	793,824,100
Unallotted reserve	10,615,894
Total	809,440,000

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.225 *Direct-consumption portion of quotas*—(a) *Domestic areas.* The quotas established in § 821.222 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Amount of direct-consumption sugar in terms of short tons, raw value*
Hawaii	29,016
Puerto Rico	126,033
Virgin Islands	0

(b) *Other areas.* The quotas established in §§ 821.222 and 821.223 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Amount of direct-consumption sugar in terms of short tons, raw value*
Commonwealth of Philippine Islands	80,214
Cuba	375,000

(Sec. 207, 50 Stat. 907; 7 U.S.C. 1117)

§ 821.226 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1941, quotas for liquid sugar as follows:

Country:	*In terms of wine gallons of 72% total sugar content*
Cuba	7,970,553
Dominican Republic	830,894
Other foreign countries	0

(Sec. 208, 50 Stat. 903; 7 U.S.C. 1118)

§ 821.227 *Restrictions on marketing and shipment.* (a) For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the Continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

(b) For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled. (Sec. 209, 50 Stat. 903; 7 U.S.C. 1119; Sec. 504; 50 Stat. 915; 7 U.S.C. 1174)

§ 821.228 *Inapplicability of quota regulations.* These regulations shall not apply to (a) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (b) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of 1 1/10 gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in, the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sec. 212, 50 Stat. 909; 7 U.S.C. 1122)

§ 821.229 *Rescission of prior regulations.* These regulations (§§ 821.221–821.228) shall supersede General Sugar Quota Regulations, Series 8, No. 1, Rev. 4.[1]

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F.R. Doc. 41-7064; Filed, September 20, 1941; 11:04 a. m.]

[1] 6 F.R. 4431.

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 222—CONSUMER CREDIT[1]

Effective September 20, 1941, § 222.11 (c) (1)[2] is hereby amended to read as follows:

§ 222.11 *Supplement.*

* * * * *

(c) *Maximum credit value of automobiles.* * * *

(1) The maximum credit value of a new automobile shall be 66⅔ per cent on the bona fide cash purchase price of the automobile and accessories (including any sales taxes thereon and any bona fide delivery charges) but such maximum credit value shall in no event exceed 66⅔ per cent of the sum of the following items:

(i) The manufacturer's retail quotation at factory, or the equivalent of such quotation. (For the purposes of this section, this means the retail delivered price of the automobile with standard equipment at the factory, as advertised, or as suggested or recommended to dealers, by the manufacturer; or, in the case of a 1942 model for which such a price has not been so advertised or suggested or recommended, it means the price last so advertised or suggested or recommended for the corresponding 1941 model, increased or decreased by the percentage by which the manufacturer's wholesale price of the 1942 model is increased or decreased from the manufacturer's wholesale price of such 1941 model.)

(ii) Transportation charges from factory to point of delivery as suggested or recommended by the manufacturer for inclusion in the retail delivered price at that point, or in the absence of any such suggestion or recommendation then an amount substantially equal to the freight by rail from factory to that point;

(iii) Any Federal, State, or local taxes not included in the foregoing; and

(iv) Any bona fide charges for delivery or accessories not included in the foregoing items.

In case the automobile is sold for delivery at the factory, by a dealer in a given place to a resident of such place or its vicinity who actually intends to bring the automobile to such place or vicinity and use it there, an amount equal to the freight from the factory to such place may be included. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; 12 U.S.C. 95 (a) and Sup., and Executive Order No. 8843, dated August 9, 1941[3])

[1] 6 F.R. 4443.

[2] § 222.11 (c) (1) corresponds to Part 3 (a) of the Supplement to Regulation W, Board of Governors of the Federal Reserve System.

[3] 6 F.R. 4035.

Board of Governors of the Federal Reserve System.

[SEAL] L. P. BETHEA,
Assistant Secretary.

[F. R. Doc. 41-7067; Filed, September 20, 1941; 11:18 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4478]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BARD-PARKER COMPANY, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Disseminating, etc., in connection with offer, etc., of "Bard-Parker Formaldehyde Germicide" chemical solution, or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said chemical solution, which advertisements represent, directly, indirectly, or through inference, that the said chemical solution Bard-Parker Formaldehyde Germicide is a sterilization medium for the preoperative preparation of surgical or dental instruments, or is a substitute for boiling or autoclaving of surgical or dental instruments, unless it is clearly and unequivocally stated in immediate connection with each such representation, in words of equal conspicuousness, that any instrument to be sterilized must remain continuously immersed in said chemical solution for not less than 18 hours, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b. [Cease and desist order, Bard-Parker Company, Inc., et al., Docket 4478, September 15, 1941]

In the Matter of Bard-Parker Company, Inc., a Corporation, and Parker, White and Heyl, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents, Bard-Parker Company, Inc., a corporation, and Parker, White and Heyl, Inc., a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the chemical solution "Bard-Parker Formaldehyde Germicide", or any other preparation of substantially similar composition or possessing similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly, indirectly or through inference, that the said chemical solution Bard-Parker Formaldehyde Germicide: is a sterilization medium for the preoperative preparation of surgical or dental instruments, or is a substitute for boiling or autoclaving of surgical or dental instruments, unless it is clearly and unequivocally stated in immediate connection with each such representation, in words of equal conspicuousness, that any instrument to be sterilized must remain continuously immersed in said chemical solution for not less than 18 hours;

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said chemical solution, Bard-Parker Formaldehyde Germicide, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7082; Filed, September 22, 1941; 11:16 a. m.]

[1] 6 F.R. 2774.

[Docket No. 3438]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JERGENS-WOODBURY SALES CORPORATION

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:*

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., in commerce, of respondent's soaps, cosmetic creams and face powders, or any substantially similar products, (1) representing that its facial powder will guard against or prevent skin blemishes or infection from germs, or that said powder will remain germ-free during use; (2) representing that its facial powder will spread farther than other competitive face powders of comparable quality; (3) representing that its cold cream will remain sterile, or that it will kill germs or prevent germ growth, infections or blemishes under ordinary conditions of use; and (4) representing in any manner whatever that its creams or soap have any added beneficial value upon the skin by reason of their vitamin content; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Jergens-Woodbury Sales Corporation, Docket 3438, September 10, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission the answer of respondent, testimony and other evidence taken before William C. Reeves and John J. Keenan, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by William L. Pencke, counsel for the Commission, and by Jerome L. Isaacs, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Jergens-Woodbury Sales Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of its soaps, cosmetic creams and face powders, or any products of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Representing that its facial powder will guard against or prevent skin blemishes or infection from germs, or that said powder will remain germ-free during use;

2. Representing that its facial powder will spread farther than other competitive face powders of comparable quality;

3. Representing that its cold cream will remain sterile, or that said cream will kill germs or prevent germ growth, infections or blemishes under ordinary conditions of use;

4. Representing in any manner whatever that respondent's creams or soap have any added beneficial value upon the skin by reason of their vitamin content.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7083; Filed, September 22, 1941; 11:16 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 522—REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

The following regulations (Part 522, §§ 522.160–522.178, regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries) are hereby issued. These regulations repeal and supersede all regulations previously issued applicable to the employment of learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries as defined in Administrative Order #83[1] and #103,[2] and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 17th day of September 1941.

PHILIP B. FLEMING,
Administrator.

§ 522.160 *Conditions upon which special learner certificates may be granted.* Special certificates authorizing the employment of learners at subminimum wage rates in the apparel industries specified below may be issued by the Administrator or his authorized representative under the following terms when it appears that experienced workers are not available to an employer making application for a special certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.*

*§§ 522.160 to 522.178, inclusive, issued under the authority contained in sec. 14, 52 Stat. 1068; 29 U.S.C., Sup., 214.

§ 522.161 *Apparel industries or divisions thereof to which regulations apply.* These regulations shall apply to the Single Pants, Shirts, and Allied Garments Industry as defined in Administrative Order No. 83, dated February 8, 1941 and to the Women's Apparel Industry as defined in Administrative Order No. 103, dated May 6, 1941. Except as herein specified, the Apparel Learner Regulations dated September 4, 1940, shall remain in force and effect.*

§ 522.162 *Application on official forms.* An application must be made upon an official form, which will be furnished on request by the Wage and Hour Division. All information requested in such form must be furnished before an application may be acted upon. Any applicant may also submit any additional information which he believes to be pertinent.*

§ 522.163 *Posting notice of application in employers establishment.* At the time of filing an application, the applicant must post a notice thereof, on a form supplied by the Wage and Hour Division in a conspicuous place in the plant where he proposes to employ learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act. Such notice must contain all the information required therein and shall remain posted until such time as the application shall have been acted upon by the Administrator or his authorized representative.*

§ 522.164 *Occupations for which no learning period at subminimum wage rates may be authorized.* No worker may be employed at a subminimum wage rate under a Special Learner Certificate in the following types of occupations: office; maintenance and service; purchase and sales; supervising; craft jobs such as custom dress maker; designing and pattern making; cutting, marking, spreading, and trimming in connection with cutting; and shipping and storage jobs such as time, receiving and shipping clerks.*

§ 522.165 *Occupations for which a learning period at subminimum wage rates may be authorized.* Learners may be employed at subminimum wage rates under a Special Learner Certificate in the occupations of machine operating (except cutting), pressing, hand sewing and finishing operations involving hand sewing, and in other miscellaneous occupations such as trimming, examining, cleaning, bundling, assembling, assorting, folding, clipping, boxing, and floor work, which are not excluded under § 522.164.*

§ 522.166 *Number or proportion of learners which may be authorized.* (a) The number of learners which may be employed under a Special Learner Certificate to meet the demands of normal labor turnover in a plant in any division of the apparel industry to which these regulations apply as enumerated in § 522.161, shall not exceed ten percent of the productive factory workers in such plant: *Provided, however,* That if the

[1] 4 F.R. 1247.

[1] 6 F.R. 897.
[2] 6 F.R. 2354.

total factory employment in a plant is less than 100, the certificate may authorize the employment of as many as ten learners.

(b) The number of learners which may be employed under a Special Learner Certificate by new plants or expanding plants shall be based upon what appears to be the need of such plants and shall be set forth in the certificate. A "new" plant for the purpose of these regulations is one which is newly established and being operated for the first time, or which has not been operated more than eight months and in which a substantial number of workers must be trained for operation on products of the plant. An "expanding" plant, for the purpose of these regulations, is one which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.*

§ 522.167 *Length of learning period*—(a) *Primary learning period.* (1) The maximum learning period which may be authorized in a Special Learner Certificate is 480 hours in the occupations of machine operating (except cutting), pressing, hand sewing or finishing operations involving hand sewing, and 160 hours in any other occupation authorized under § 522.165.

(2) A worker who has had 160 hours' experience in any occupation authorized under § 522.165, may not be employed as a learner at a subminimum wage rate in any 160-hour occupation or for longer than 320 hours in the occupations of machine operating (except cutting), pressing, and hand sewing or finishing operations involving hand sewing.

(b) *Retraining.* A retraining period of 160 hours at a subminimum wage rate may be authorized when a worker experienced in the occupations of machine operating, pressing, hand sewing or finishing operations involving hand sewing, transfers in the same occupation to a plant in another division of the apparel industry. No other retraining at a subminimum wage rate may be authorized under these regulations.

(c) All qualifying experience referred to in the above sections must have been within the past two years in the private apparel industry or in an establishment of a governmental agency which imposes production and employment standards comparable or superior to private industry.*

§ 522.168 *Wage rates to be paid learners*—(a) *Piece rates which must be paid to learners.* In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established below.

(b) *During the primary learning period.* (1) A learner employed under a Special Learner Certificate in the occupations of machine operating (except cutting), pressing, hand sewing and finishing operations involving hand sewing, in all divisions of the industry to which these regulations are applicable except in the corset and allied garments division, shall be paid not less than 25 cents per hour for the first 320 hours and 32½ cents per hour for the next 160 hours of the maximum learning period of 480 hours authorized in § 522.167 (a) (1), and 25 cents per hour for the first 160 hours and 32½ cents per hour for the second 160 hours of the 320-hour learning period authorized in § 522.167 (a) (2). A learner employed under a Special Learner Certificate in the corset and allied garments division shall be paid not less than 30 cents per hour for the entire 480-hour learning period.

(2) A learner employed under a Special Learner Certificate in any occupation for which a learning period of 160 hours is authorized under §522.167 (a) (1) shall be paid not less than 30 cents per hour for the entire learning period.

(c) *During the retraining period.* An experienced worker employed during the retraining period of 160 hours permitted under § 522.167 (b) shall be paid not less than 30 cents per hour.*

§ 522.169 *Certificates applicable to individual plants.* No Special Learner Certificate shall be applicable to the employment of learners at more than one plant. Where one establishment occupies several buildings in the same community and the workers in these buildings are all engaged in the various processes entering into the chief products manufactured, said workers shall be regarded as employees of the same plant for the purpose of these regulations; otherwise, said workers shall be deemed to be employees of two or more plants.*

§ 522.170 *Duration of special certificates.* Special Learner Certificates authorizing the employment of learners to the numbers specified in § 522.166 (a) may be issued for a period of one year, unless sooner revoked because an adequate supply of experienced workers is available, or for other causes. Special Learner Certificates issued in accordance with the provisions of § 522.166 (b) shall be issued for a period not greater than that necessary to complete the training of the total number of additional learners required.*

§ 522.171 *Records to be kept for learners.* (a) Each worker employed as a learner under a Special Learner Certificate shall be designated as such on the payroll records kept by the employer. All learners shall be listed together in a separate group on the payroll records kept by the employer and for each learner the occupation in which employed shall be shown, in addition to other information required by the Record Keeping Regulations, Part 516.

(b) The employer shall obtain and keep in his records a statement from each learner employed under a Special Learner Certificate of his experience within the past two years in the apparel industry. This statement should contain dates of previous employment, occupations in which the learner was engaged and the type of product upon which the learner worked.*

§ 522.172 *Employment of experienced workers at subminimum wage rates prohibited.* The employment of experienced workers at subminimum wage rates under a Special Learner Certificate (except for the provision respecting retraining set forth in § 522.167 (b)) shall be a violation of its terms and an employer who hires an experienced worker as a learner is liable under § 522.174. For the purpose of these regulations, an experienced worker in the occupations of machine operating, pressing, hand sewing or finishing operations which involve hand sewing is a person who has had 480 hours' experience in the same occupation or 320 hours' experience in the same occupation and 160 hours' experience in any other of the occupations for which a learning period is authorized in § 522.167 (a). An experienced worker in any other occupation authorized in § 522.165 is a person who has had 160 hours' experience in any one of such occupations. The above experience must have been had within the past two years in the private apparel industry or in an establishment of a governmental agency which imposes production and employment standards comparable or superior to private industry.*

§ 522.173 *Employment of learners at subminimum wage rates prohibited when experienced workers are available.* The employment of a learner at a subminimum wage rate is prohibited when an experienced worker who is capable of equalling the performance of a worker of ordinary or minimum skill and experience is available to the plant for which a Special Learner Certificate has been issued. For the purpose of these regulations, an experienced worker is available when such worker is available within the area from which the employer customarily draws his labor supply or when such worker has in fact made himself available to an employer at his plant or place of employment and has signified a readiness to accept and to continue in employment at the plant in question.*

§ 522.174 *Cancellation of special learner certificates.* (a) Any Special Learner Certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment: *Provided, however,* That when experienced workers become available after a certificate has been issued, the certificate may be cancelled insofar as future employment is concerned, or may be allowed to continue in effect upon condition that the employer does not hire additional learners under it until experienced workers are not again available. In the absence of fraud or misrepresentation, learners already hired under a Special Learner Certificate may be retained under its terms if the learn-

ing period extends beyond the date on which the certificate has been cancelled.

(b) Any Special Learner Certificate shall be cancelled as of the date of issue if it is found that the certificate has been obtained by fraud or misrepresentation or that learners have been fraudulently employed thereunder in violation of the terms of the certificate. When a certificate has been obtained by fraud or misrepresentation, the employer shall be liable to the employees for wages established by the Act or the wage orders of the Administrator thereunder, as if no certificate had been issued.

(c) Any Special Learner Certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, except where the violation is deemed to be of minor nature by the Division, and the employer shall be liable to those employed under such certificate from the date of violation, for wages established by the Act and the wage orders of the Administrator issued thereunder, as if no certificate had been issued.*

§ 522.175 *Procedure for cancellation of special learner certificates.* (a) If it appears from a report and recommendation of a regional office that there is reasonable cause to cancel any Special Learner Certificate, the Hearings Branch shall notify the employer and other interested parties of the violations charged and of intent to cancel. Whereupon, all interested parties shall have fifteen days from receipt of notice to show cause orally or in writing why the certificate should or should not be cancelled upon the expiration of the period stated. After such hearing, the Administrator or his authorized representative shall issue an order confirming or cancelling the certificate. The employer and other interested parties shall be apprised of the action taken by the Administrator or his authorized representative.

(b) No order cancelling any Special Learner Certificate shall take effect until the expiration of the time allowed for the filing of a petition for review under § 522.176 and if a petition for review is filed thereunder, the effective date of the cancellation shall be postponed until final action is taken on such petition, *Provided, however,* That if the cancellation order is affirmed on review, the employer shall reimburse any person employed under the Special Certificate to the extent shown in § 522.174 (b) and (c).

(c) Notice of the cancellation of a Special Learner Certificate shall be published in the FEDERAL REGISTER.*

§ 522.176 *Application for reconsideration and petition for review.* (a) Any person aggrieved by an action of the Administrator or his authorized representative in denying, granting, confirming, cancelling, or revoking any Special Learner Certificate, may, within fifteen days after publication or other notification of the action (1) make application for reconsideration thereof by the Administrator or his authorized representative; or (2) file a petition for review of the decision by the Administrator or an authorized representative of the Administrator who has taken no part in the action which is the subject of review. Such petition must set forth grounds for the requested review.

(b) If an application for reconsideration is denied, any person aggrieved by such action, may, within fifteen days after publication or other notice thereof, file a petition for review.*

§ 522.177 *Posting of special certificate or cancellation thereof.* The employer shall post a copy of any Special Certificate issued to him or of any notice of cancellation of a Special Certificate in a conspicuous place in his plant.*

§ 522.178 *Amendment and revocation of regulations.* The Administrator may at any time, upon his own motion or upon written request of any interested party setting forth reasonable grounds therefor, and after a hearing or other opportunity to interested persons to present their views, amend or revoke these regulations issued pursuant to § 522.4 of the Regulations Applicable to the Employment of Learners Pursuant to section 14 of the Fair Labor Standards Act of 1938.*

[F. R. Doc. 41-7091; Filed, September 22, 1941; 11:49 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-701]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 TO REDUCE THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS IN SIZE GROUPS 2, 3, AND 4 OF THE LILLYBROOK COAL COMPANY, MINE INDEX NO. 94, AND THE C. H. MEAD COAL COMPANY, MINE INDEX NO. 117

An original petition having been filed with the Bituminous Coal Division on February 25, 1941 by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting reductions in the classifications for certain coals of the Killarney Mine (Mine Index No. 94) of the Lillybrook Coal Company and the Nos. 2 and 3 Mine (Mine Index No. 117) of the C. H. Mead Coal Company, code members in District 7; and

A petition of intervention having been filed by the Buckeye Coal & Coke Company requesting reductions in the classifications established for certain coals of the Buckeye No. 3 Mine (Mine Index No. 35); and

A hearing having been held in this matter pursuant to an Order of the Director, on March 10, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division, Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated March 14, 1941, 6 F.R. 1492; and

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is amended by establishing for the coals produced at the Killarney Mine (Mine Index No. 94) of the Lillybrook Coal Company and the No. 2 and 3 Mine (Mine Index No. 117) of the C. H. Mead Coal Company and the Buckeye No. 3 Mine (Mine Index No. 35) of the Buckeye Coal & Coke Company, in Size Groups 2, 3, and 4, the effective price classifications "F", "E", and "D", respectively, in lieu of the permanent classifications presently effective.

It is further ordered, That the prayers contained in the original petition and the petitions of intervention herein, except as granted hereinabove, be and they hereby are denied.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7030; Filed, September 22, 1941; 11:05 a. m.]

[Docket Nos. A-529, A-538, A-579, A-594]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR REDUCTION IN CLASSIFICATION IN SIZE GROUPS 18-21 OF COALS FROM THE DABNEY-MACBETH MINES OF HUTCHINSON COAL COMPANY; IN THE MATTER OF THE PETITION OF AMHERST COAL COMPANY, DISTRICT 8, FOR REVISION OF MINIMUM PRICES FOR COAL FROM ITS AMHERST NOS. 1 AND 2 MINES IN SIZE GROUPS 8-22, INCLUSIVE; IN THE MATTER OF THE PETITON OF THE CLEAN EAGLE COAL COMPANY, DISTRICT 8, FOR REDUCTION IN CLASSIFICATION OF THE COALS OF MINE INDEX 109 IN SIZE GROUPS 18-21 FROM "E" TO "D"; IN THE MATTER OF THE PETITION OF WEST VIRGINIA COAL & COKE CORP., DISTRICT 8, FOR REDUCTION IN CLASSIFICATION FROM "D" TO "E" OF SIZE GROUPS 18-21, MINE INDEX 161

Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, original petitions and petitions of intervention praying for affirmative relief having been filed in the above consolidated matters by District Board 8 and numerous code

member producers of District 8 as follows:

The original petition of District Board 8, Docket A–529 having been filed December 30, 1940, seeking a reduction in classification of coals in Size Groups 18 to 21 produced by Dabney and MacBeth Mines of Hutchinson Coal Company, from "D" to "E"; the intervening petition of Hutchinson Coal Company having asked that the reduction be to "F"; West Virginia Coal and Coke Corporation having intervened in support and having asked that any relief given Dabney and MacBeth Mines be accorded its Earling Mine;

The original petition of Amherst Coal Company, Docket A–538 having been filed on January 2, 1941, seeking reductions for coals of its Amherst No. 1 and Amherst No. 2 Mines as follows:

	Size group						
	8	9	10	11–14	15–17	18–21	22
Present Amherst No. 1 classification	H	F	H	D	D	F	K
Present Amherst No. 2 classification	G	E	G	B	B	E	K
Classification desired	H	F	H	D	D	H	L

The Lorado Coal Mining Company having intervened, requesting that the classification in Size Groups 18 to 21 for the coals of its Lorado No. 1 Mine (classified "F") and Lorado No. 2 Mine (classified "E") be reduced to "H"; Buffalo Eagle Mines, Inc., having intervened asking for coals of its Riley No. 1 and No. 2 Mines reductions to the classifications requested by Lorado;

The original petitions of Clean Eagle Coal Company, Docket A–579 having been filed on January 10, 1941, seeking a reduction from "B" to "D" in the classification of coals in Size Groups 18 to 21 produced at its Clean Eagle Mine; Mallory Coal Company having intervened, supporting the original petition, and asking a similar reduction for coals of its Mallory No. 2 and No. 3 Mines from "B" to "E" and of its Mallory No. 4 and No. 5 Mines from "B" to "D";

The original petition of West Virginia Coal and Coke Corporation, Docket A–594 having been filed January 15, 1941, praying for a reduction in classifications of coals produced at its Earling Mine in Size Groups 18 to 21 from "D" to "E";

Further intervening petitions asking general relief having been filed in one or more of the consolidated dockets by District Boards 2 and 8, Island Creek Coal Co., Mallory Coal Company, Amherst Coal Company, The Lorado Coal Mining Company and Buffalo Eagle Mines, Inc., Boone County Coal Corporation and Monitor Coal & Coke Company having filed written appearances;

Prior to the hearing, limited temporary relief having been granted to Hutchinson Coal Company and West Virginia Coal and Coke Corporation, and following the hearing to Hutchinson Coal Company, Amherst Coal Company, Clean Eagle Coal Co., Mallory Coal Company, and West Virginia Coal and Coke Corporation. On March 26, the Lorado Coal Mining Company having moved for an extension to March 31 of the time for filing of briefs, and having filed a brief on March 31, which was accepted by the Director. On May 13 and May 15, respectively, Lorado and West Virginia Coal and Coke Corporation having filed motions to rescind the temporary relief granted to Amherst Coal Company;

Pursuant to numerous orders, a consolidated hearing having been held on February 20, 1941, before a duly designated Examiner of the Division in a hearing room of the Division in Washington, D. C.; by written stipulations filed by all parties of record, preparation and issuance of the Examiner's report having been waived; the Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith.

Now, therefore, it is ordered as follows:

1. The motions of The Lorado Coal Mining Company and West Virginia Coal & Coke Corporation to rescind the temporary relief granted to Amherst Coal Company are hereby denied.

2. Effective fifteen (15) days from the date of this Order, § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, High Volatile Section II, is hereby amended by reducing as indicated the effective minimum price classifications for the coals of the mines set forth below, in Size Groups 18 to 21, only, for shipment to all destinations (including shipment for Great Lakes cargo); and the classifications as amended are hereby esablished as the effective minimum price classifications of the respective coals.

Mine index No.	Code member	Mine name	Size groups 18–21 change in classification
150	Hutchinson Coal Company	Dabney	D to E.
304	Hutchinson Coal Company	MacBeth	D to E.
15	Amherst Coal Company	Amherst No. 1	F to G.
16	Amherst Coal Company	Amherst No. 2	E to G.
109	Clean Eagle Coal Co	Clean Eagle	B to D.
312	Mallory Coal Company	No. 2	B to D.
313	Mallory Coal Company	No. 3	B to D.
314	Mallory Coal Company	No. 4	B to D.
315	Mallory Coal Company	No. 5	B to D.
181	West Virginia Coal & Coke Corporation	Earling	D to E.

All other and further relief prayed by these code member producers is hereby denied.

3. The prayers of the interveners, The Lorado Coal Mining Company and Buffalo Eagle Mines, Inc., any other prayers than those granted by this Order, and the relief contended for at the hearing by Boone County Coal Corporation and Monitor Coal & Coke Company are all severally denied.

4. Effective fifteen (15) days from the date of this Order, all temporary relief granted in Dockets A–529, A–538, A–579 and A–594, which in any wise conflicts with the final relief herein granted, and in particular the temporary relief granted to Hutchinson Coal Company by the Acting Director's Order of January 18, 1941, 6 F.R. 569, is hereby rescinded and terminated.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7081; Filed, September 22, 1941; 11:05 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Preference Rating Order No. P–55]

PART 956—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

Material Entering Into the Construction of Defense Housing Projects

§ 955.4 *Preference rating order P–55.* For the purpose of facilitating the acquisition of Material for the construction of the Defense Housing Project hereinafter described, a preference rating is hereby assigned to deliveries to the above-named Builder and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (1) "Builder" means the specific person to whom this Order is addressed above.

(2) "Defense Housing Project" means the housing project described in the Builder's Application on Form PD–105,[1]

[1] Filed with the original document.

No. ____, dated ----------, as finally approved.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Builder or to another Supplier, of Defense Housing Material included in the Defense Housing Critical List which will enter into the construction of the Defense Housing Project.

(4) "Defense Housing Material" means any material included in the Defense Housing Critical List.

(b) *Assignment of preference rating.* Preference Rating ------ is hereby assigned:

(1) To deliveries to the Builder of those specific quantities and kinds of Defense Housing Material which have been duly recommended for rating on Form PD-105, No. ____, dated ----------, as finally approved.

(2) To deliveries to a Supplier of Defense Housing Material, the delivery of which to the Builder has been authorized by this Order or which will be physically incorporated in Defense Housing Materials the delivery of which to the Builder has been thus authorized.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) The Builder.

(2) Any Supplier who has been furnished with a signed copy of this Order in the manner specified in paragraph (e).

(d) *Application of preference rating—* (1) *Restrictions on the builder.* The builder may apply said preference rating only to those specific quantities and kinds of Defense Housing Material duly recommended for rating on Form PD-105, No. ____, dated ----------, as finally approved. One copy of said Form PD-105, No. ____, dated ----------, as finally approved, will be returned to the Builder. This Order will be cancelled immediately if the Builder is found to have applied the rating to deliveries in excess of his specific authorization.

(2) *Restrictions on supplier.* No Supplier may apply said rating:

(i) If the Defense Housing Material to be delivered can be secured when required without such preference rating;

(ii) To obtain deliveries greater in quantity or on dates earlier than required for the delivery on schedule of the rated Defense-Housing Material entering into the construction of the Defense Housing Project;

(iii) To obtain deliveries of Material which will not be physically incorporated into the completed Defense Housing Project.

(e) *Application of preference rating.* The Builder or a Supplier, in order to apply the preference rating to deliveries of Defense Housing Material to him must serve upon each Supplier, with whom he has placed a contract or purchase order for material to the delivery of which he elects to apply the preference rating, a true copy of this Order signed by him, together with a copy of the Defense Housing Critical List. Such copy may be prepared by photostating, printing, mimeographing, typing or otherwise. After he has furnished one such copy to a particular Supplier, he need furnish no additional copies to that Supplier to cover any subsequent deliveries entering into the Defense Housing Project. A Builder or Supplier who has thus applied the rating shall identify subsequent purchase orders which are covered by the rating by endorsing upon every such purchase order and each copy thereof the number of this Order, the Builder's Serial Number thereof, and the preference rating hereby assigned, in the following form: "Purchase Order for Defense Housing Project, Preference Rating ____, under Preference Rating Order No. P-55, Builder's Serial No. ____." Such endorsement shall be signed by an authorized official of the Builder or Supplier, as the case may be, duly designated for such purpose by such Builder or Supplier. Such endorsement shall constitute a certification to the Office of Production Management that the Builder or Supplier is entitled to apply the preference rating to delivery of the material covered by such purchase order or contract.

(f) *Records, audits and reports.* (1) The Builder, and each Supplier who applies the preference rating hereby assigned, shall:

(i) Keep and preserve for a period of at least two years copies of all purchase orders or contracts for Defense Housing Material rated in accordance herewith. Such copies shall be kept segregated from records of any other purchase orders or contracts;

(ii) Submit to audit and inspection of the foregoing records by representatives designated by the Director of Priorities.

(iii) File such reports with the Office of Production Management in such form and at such times as the Director of Priorities may from time to time require.

(g) *False statements.* Any Person who wilfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any Material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to the Builder or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or Supplier affected by such revocation.

(i) *Effective date.* This Order shall shall take effect when countersigned by the District Manager, Priorities Field Service, Office of Production Management, and, unless sooner revoked, shall expire on the ------ day of ----------, 194__. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4469; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended, Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 23, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of September 1941.

DONALD M. NELSON,
Director of Priorities.

This order is not valid unless countersigned by the district manager, Priorities Field Service, Office of Production Management.

Countersigned by

----------	----------
Name	Effective date

Title	
----------	----------
Field office	Signature of Builder or Supplier in accordance with paragraph (e)

[F. R. Doc. 41-7068; Filed, September 20, 1941; 11:13 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1334—SUGAR

SUPPLEMENT TO PRICE SCHEDULE NO. 16—RAW CANE SUGARS[1]

Part 1334, Price Schedule No. 16, is amended by adding thereto the following new section:

§ 1334.11 *Provision for liquidation of futures positions established prior to August 14, 1941.* Liquidation of a position or positions, long or short, established prior to August 14, 1941, in No. 3 contract on the New York Coffee and Sugar Exchange, Inc., which has been or which shall be made, is hereby excepted from the operation of the provisions of §§ 1334.1 to 1334.10, inclusive, Price Schedule No. 16. (Executive Order No. 8734)

Issued this 19th day of September, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7069; Filed, September 20, 1941; 11:52 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

CHAPTER I—THE NATIONAL ARCHIVES

PART 2—AUTHENTICATION AND ATTESTATION OF COPIES OF ARCHIVES IN CUSTODY OF THE ARCHIVIST OF THE UNITED STATES

§ 2.1 *Designation of persons authorized.* Whereas Public, No. 756, 74th

Congress, approved June 22, 1936, entitled "An Act to amend section 8 of the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934" (48 Stat. 1123; U.S.C., title 40, sec. 238), authorizes the Archivist of the United States to make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic, or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and provides further:

When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of The National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

And, whereas, Thad Page, as Administrative Secretary of The National Archives, is the head of an office within the meaning of the language of said amendment,

And, whereas, Philip M. Hamer, as Chief of the Division of Reference, is a chief of a division within the meaning of the language of said amendment,

Now, therefore, I, Solon J. Buck, as Archivist of the United States, do hereby empower the said Thad Page, as Administrative Secretary of The National Archives, for me and in my name to authenticate and attest copies or reproductions of archives or records in my official custody furnished under the terms of said amendment. And I do, further, expressly empower the said Philip M. Hamer, as Chief of the Division of Reference, in the absence or inability of the said Administrative Secretary, to authenticate and attest any such copies or reproductions in the manner aforesaid. (48 Stat. 1123; 40 U.S.C. 238)

[SEAL] SOLON J. BUCK,
Archivist of the United States.

SEPTEMBER 19, 1941.

[F. R. Doc. 41-7051; Filed, September 19, 1941; 2:45 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 148]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended (Act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023), the regulations for the safe carriage of explosives or other dangerous articles or substances, and combustible liquids, as promulgated January 7, 1941, are hereby amended effective September 22, 1941, under the emergency provision contained in subsection (9) of R. S. 4472, as amended, as follows:

§ 146.27-100 *Table K—Classification: Hazardous articles.*[1]

Substance: Resin; rosin (colophony).

In each of the four columns headed: "Cargo vessel"; "Passenger vessel"; "Ferry vessel, passenger or vehicle"; "Railroad car ferry, passenger or vehicle"; under "Outside containers"; add: "CFC. Rule 40—4 ply paper bags. (not over 100 lbs. net wt.)"

(R.S. 4472, as amended: act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023; 46 U.S.C. 170).

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

SEPTEMBER 19, 1941.

[F. R. Doc. 41-7057; Filed, September 20, 1941; 10:05 a. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 40,[2] Amended]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

REGULATION GOVERNING THE DEPARTURE FROM PORTS OF THE UNITED STATES OF CERTAIN VESSELS NOT DOCUMENTED UNDER THE LAWS OF THE UNITED STATES

§ 221.50 *Departure of undocumented vessels.* The United States Maritime Commission hereby approves, under and pursuant to section 37 of the Shipping Act, 1916, as amended, the departure from any port of the United States of any vessel constructed in whole or in part within the United States and not documented as a vessel of the United States: *Provided,* That such vessel is owned by a citizen of the United States and is (a) of less than five tons burden, or (b) is a vessel used exclusively for pleasure purposes and is of less than sixteen gross tons. (Merchant Marine Act, 1936, particularly section 204 (b) thereof (49 Stat. 1987; 46 U.S.C. Sup. 1114 (b), the Shipping Act, 1916, particularly section 37 thereof (40 Stat. 901; 46 U.S.C. 835) and the Merchant Marine Act, 1920 (41 Stat. 988; 46 U.S.C. 861), as all of said Acts are amended.)

By order of the United States Maritime Commission.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

SEPTEMBER 18, 1941.

[F. R. Doc. 41-7052; Filed, September 19, 1941; 3:26 p. m.]

[1] 6 F.R. 4063, 4371.

[2] 6 F.R. 502.
[2] 6 F.R. 4373.

Notices

WAR DEPARTMENT.

[Change Order No. C, Date June 23, 1941]

SUMMARY OF CHANGE ORDERS TO CONTRACT FOR ARCHITECTURAL-ENGINEERING SERVICES

CONTRACTOR: HAVENS AND EMERSON

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313 qm-244,[2] Dated October 31, 1940 (Published in FEDERAL REGISTER December 17, 1940) between the United States of America and Havens and Emerson, Cleveland, Ohio, for architectural-engineering services in connection with the construction of Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

1. Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

Miscellaneous Cantonment Type Buildings and Utilities for a Replacement Training Center.

2. The above will result in a net increase in the Estimated Construction Cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the estimated construction cost by	$3,094,050
Total estimated cost including this change order	11,880,157
Total fixed-fee including this change order	61,871
Increase in architect-engineer's fixed-fee	14,371

Funds are available under Procurement Authority No. QM 17613 PL 20-77 A-0540-12.

[Change Order No. D, Date June 26, 1941]

Summary of change order[3] to Cost-Plus-A-Fixed-Fee Contract No. W 6313 qm-244,[2] Dated October 31, 1940 between the United States of America and Havens and Emerson, Cleveland, Ohio, for architectural-engineering services in connection with the construction of a Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

[1] Approved by the Under Secretary of War August 28, 1941.
[2] 5 F.R. 5129.
[3] Approved by the Under Secretary of War June 30, 1941.

1. Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

* * * Miscellaneous Cantonment Type Structures and General Utilities.

2. The above will result in a net increase in the Estimated Construction Cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the estimated construction cost by	$2,022,289
Total estimated cost including this change order	13,902,446
Total fixed-fee including this change order	69,637
Increase in architect-engineer's fixed-fee	7,766

Funds are available under Procurement Authority No. QM 17646 PL 29-77 A 0540-12, and QM 18642 PL 29-77 A 0540-12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7055; Filed, September 20, 1941; 9:40 a. m.]

[Change Order No. D, Date April 5, 1941]

SUMMARY OF CHANGE ORDERS TO CONTRACT FOR CONSTRUCTION

CONTRACTORS: WHITTENBERG CONSTRUCTION CO., ET AL.

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313, qm-245,[2] Dated October 26, 1940, (Published in the FEDERAL REGISTER, December 17, 1940) between the United States of America and Whittenberg Construction Company, Struck Construction Company, Highland Company, Inc. and George M. Eady Co., all of Louisville, Kentucky, for the construction of a Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

Miscellaneous Cantonment Type Buildings and Utilities for a Replacement Training Center.

The above will result in a net increase in the Estimated Construction Cost and the Construction Contractor's Fixed-Fee as follows:

Increase the estimated construction cost by	$3,028,731
Total estimated cost including this change order	10,958,787
Total fixed-fee including this change order	313,014
Increase in construction contractor's fixed-fee	65,319

[1] Approved by the Under Secretary of War June 30, 1941.
[2] 5 F.R. 5128.

Funds are available under Procurement Authority No. QM 17612 PL-29-77 A-0540-12.

[Change Order No. E, Date April 5, 1941]

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313, qm-245,[2] Dated October 26, 1940 between the United States of America and Whittenberg Construction Co., Struck Construction Company, Highland Company, Inc., and George M. Eady Company, all of Louisville, Kentucky, for the construction of a Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

1. Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

* * * Miscellaneous Cantonment Type Structures and General Utilities.

2. The above will result in a net increase in the estimated construction cost and the Contractor's fixed fee as follows:

Increase the estimated construction cost by	$1,934,827
Total estimated cost including this change order	12,953,614
Total fixed-fee including this change order	340,476
Increase in construction contractor's fixed fee	27,462

Funds are available under Procurement Authority No. QM 17645 and QM 18641 PL 29-77 A 0540.12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7056; Filed, September 20, 1941; 9:40 a. m.]

[Contract No. W 7120 qm-3; O. I. No. 3-42]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES[1]

ARCHITECT-ENGINEER: WHITMAN, REQUARDT AND SMITH, 1304 ST. PAUL STREET, BALTIMORE, MARYLAND

Amount fixed fee: $22,673.00.

Estimated construction cost (Art. V-2): $4,669,750.00.

Type of construction project: Redstone Ordnance Plant.

Location: Huntsville, Alabama.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. ORD 27081 AO141-02 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 23rd day of August 1941.

[1] Approved by the Under Secretary of War September 3, 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a chemical shell assembly plant, together with the necessary buildings, temporary structures, utilities and appurtenances thereto (hereinafter referred to as "the project", located at or in the vicinity of Huntsville, Alabama.

Data to be furnished by the Government. The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

* * * *Estimated cost of construction.* The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately four million six hundred sixty nine thousand seven hundred fifty dollars ($4,669,750.00) exclusive of Architect-Engineer's fixed fee.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of twenty two thousand six hundred seventy three dollars ($22,673.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

Method of payment. Payments of reimbursable cost items and of 80% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

Drawings and other data to become property of Government. All drawings, designs and specifications are to become the property of the Government.

Changes in scope of project. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in

writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law:

Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7053; Filed, September 20, 1941; 9:40 a. m.]

[Contract No. W 7120 qm-4; O. I. No. 4-42]

SUMMARY OF FIXED-FEE CONSTRUCTION CONTRACT[1]

CONTRACTORS: C. G. KERSHAW CONTRACTING COMPANY, BIRMINGHAM, ALABAMA; ENGINEERS, LIMITED, 225 BUSH STREET, SAN FRANCISCO, CALIFORNIA; AND WALTER BUTLER COMPANY, 1300-46 MINNESOTA BLDG., SAINT PAUL, MINNESOTA

Contract for construction of Redstone Ordnance Plant.

Locataion: Huntsville, Alabama.

Fixed fee: $63,750.00.

Estimated construction cost exclusive of fixed fee: $4,606,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. ORD 51230 PL 139 E P of E & S A0025-13, ORD 27081 A0141-02.

This contract, entered into this 22nd day of August, 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Chemical Shell Assembly Plant, together with the necessary buildings, temporary structures, utilities and appurtenances thereto at Huntsville, Alabama.

It is estimated that the construction cost of the work covered by this contract will be four million six hundred six thousand dollars ($4,606,000.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of sixty three thousand seven hundred fifty dollars ($63,750.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following law:

Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7054; Filed, September 20, 1941; 9:41 a. m.]

[Contract No. W 535 ac-20300; 5349]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CESSNA AIRCRAFT COMPANY, WICHITA, KANSAS

Contract[1] for: * * * Airplanes, Spare Parts and Data.

Amount: $12,043,865.47.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 32 P 12-30 A 0705-2, AC 18 P 82-30 A 0705-2.

This contract, entered into this 7th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Airplanes, spare parts and data for the consideration stated not to exceed twelve million forty-three thousand eight hundred sixty-five dollars and forty-seven cents ($12,043,865.47) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its

[1] Approved by the Under Secretary of War September 3, 1941.

[1] Approved by the Under Secretary of War August 16, 1941.

possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Price adjustment. The contract prices stated in this contract for airplanes, spare parts, and data are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7070; Filed, September 22, 1941; 10:01 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by the following and is under consideration by the Director:

Name and address	*Date application filed*
Jerome Freedman, 800 8th Avenue, New York, N. Y.	9/10/41

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of the above-named applicant for registration as a distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before October 13, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7072; Filed, September 22, 1941; 11:02 a. m.]

[Docket No. A-1033]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUP 9 PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 1 OF DISTRICT NO. 14

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division to be held on October 15, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for revision of the effective price classifications and minimum prices for the coals in size group 9 produced at certain mines in Production Group No. 1 in District No. 14 and, more particularly, for an increase of 55¢ per net ton to $4.95 per net ton in the effective minimum price and for a corresponding revision by appropriate alphabetical symbol in the price classification for all coals in size group 9 now bearing the price classification of "B" and an effective minimum price of $4.40 per net ton and produced at mines of code members in Production Group No. 1.

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7073; Filed, September 22, 1941; 11:03 a. m.]

[Docket No. A-1000]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

[Docket No. A-1000—Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SCOTCH HILL MINES NOS. 1 TO 35, INCLUSIVE, (MINE INDEX NOS. 240, 241 AND 252 TO 284, INCLUSIVE), IN DISTRICT NO. 3

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1000 PART II FROM DOCKET NO. A-1000, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1000 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1000 PART II

The original petition in the above-entitled matter filed with this Division on August 6, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 3.

As indicated in a separate order issued in Docket No. A-1000, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 1 to 35, inclusive, (Mine Index Nos. 240, 241, and 252 to 284, inclusive).

While it appears that temporary relief for the Scotch Hill Mines should be granted, as prayed for the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for the coals of the Scotch Hill Mines without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1000 relating to the Scotch Hill Mines Nos. 1 to 35, inclu-

sive (Mine Index Nos. 240, 241, and 252 to 284, inclusive), be and the same hereby is severed from the remainder of Docket No. A–1000 and designated as Docket No. A–1000 part II.

It is further ordered, That a hearing in Docket No. A–1000 Part II under the applicable provisions of said Act and the rules of the Division be held on October 27, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 1 to 35, inclusive, (Mine Index Nos. 240, 241 and 252 to 284, inclusive), in District No. 3, for rail and truck shipment to all market areas.

It is further ordered, That, commencing forthwith, temporary relief, pending final disposition of Docket No. A–1000 Part II, is hereby granted as follows:

ALPHABETICAL LISTING OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATION BY SIZE GROUP NUMBERS [1]

Mine Index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos.									
					1	2	3	4	5	6	7	8	9	10
240, 241, 252 to 284, inc.	Henry Clay Coal Mining Company.	Scotch Hill Nos. 1 to 35, inc.	Pittsburgh.....	70	H	H	H	H	H	H	H	H	H	H

TRUCK SHIPMENTS [1]

[Prices in cents per ton for shipment into all market areas]

Mine index No.	Name	Mine	Seam	County	Size groups						
					1	2	3	4	5	6	7
240, 241, 252 to 284, inc.	Henry Clay Coal Mining Company.	Scotch Hill Nos. 1 to 35, inc.	Pittsburgh..	Preston...	230	230	230	205	205	195	185

[1] The foregoing temporary prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedules of Effective Minimum Prices for District No. 3, For all Shipments Except Truck, and For Truck Shipments.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7074; Filed, September 22, 1941; 11:03 a. m.]

[Docket No. A–966]

PETITION OF J. E. HATCHER, A CODE MEMBER IN DISTRICT NO. 17, FOR REDUCTION OF THE EFFECTIVE MINIMUM PRICE FOR THE SIZE GROUP 13 COALS OF MINE INDEX NO. 285 FOR TRUCK SHIPMENT TO THE SOUTHERN COLORADO POWER COMPANY AT PUEBLO, COLORADO

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division on July 12, 1941, by J. E. Hatcher, a code member in District No. 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction in the minimum price established for coal in Size Group 13 produced at the Shamrock Mine (Mine Index No. 285) for shipment to the Southern Colorado Power Company in Pueblo, Colorado;

Pursuant to an Order of the Director dated July 21, 1941, a hearing having been held in this matter before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Denver, Colorado, at which time all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law and having entered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayer of the petition herein, requesting a reduction in the minimum price for the coal in Size Group 13 produced at the Shamrock Mine (Mine Index No. 285) for shipment by truck to the plant of the Southern Colorado Power Company, in Pueblo, Colorado, be and it hereby is denied:

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7075; Filed, September 22, 1941; 11:03 a. m.]

[Docket No. 1599–FD]

IN THE MATTER OF ARCHIE LAWSON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on February 26, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers' Board for District 15, complainant, alleging that Archie Lawson, a code member in District 15, defendant, wilfully violated the Bituminous Coal Code or Rules and Regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership, or, in its dis-

cretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

Pursuant to an appropriate order, and after due notice to all interested persons, a public hearing in this matter having been held on May 23, 1941, in Unionville, Missouri, before W. A. Shipman, a duly designated Examiner of the Division;

The Examiner, having made and entered his Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated August 18, 1941, recommending that the code membership of the defendant be revoked;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no exceptions or supporting briefs having been filed;

It having been determined that the Proposed Findings of Fact and Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That, the Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, Archie Lawson, is hereby revoked and cancelled;

And it is further ordered, That, prior to any reinstatement of the defendant, Archie Lawson, to membership in the Code the defendant shall pay to the United States a tax in the amount of $382.12 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7076; Filed, September 22, 1941; 11:03 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 617]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 12, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Georgia 2022F1 Colquitt	$245,000
Georgia 2022H1 Colquitt	75,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7065; Filed, September 20, 1941; 11:04 a. m.]

[Administrative Order No. 618]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 12, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
South Carolina 2044A1 Charleston	$750,000
Wisconsin 2062A1 Portage	180,000
Wisconsin 2063A2 Bayfield	202,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7066; Filed, September 20, 1941; 11:04 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DATE AND PLACE OF RESUMPTION OF CHICAGO HEARING ON THE SUBJECT OF WAGES, HOURS AND OTHER CONDITIONS AND PRACTICES OF EMPLOYMENT OF RED CAPS

Whereas the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, under date of July 3, 1941 (Fed. Reg. July 4, 1941), gave notice pursuant to S. Res. 105, adopted by the United States Senate on May 15, 1941, that public hearings would be held for the purpose of obtaining information as to the wages, hours and other conditions and practices of employment of red caps by railroad or terminal companies, and announced therein the date and place of a Chicago hearing; and

Whereas said hearing was duly convened on July 15, 1941, and was adjourned on July 18, 1941, by Thomas Holland, Presiding Officer, to be resumed at a date to be later announced;

Now, therefore, notice is hereby given that:

1. Said Chicago hearing will be resumed in Room 325 of the New Post Office Building, Canal and Van Buren Streets, Chicago, Illinois, at 10:00 a. m., October 7, 1941;

2. The aforesaid notice of July 3, 1941, shall be applicable to the resumption of the Chicago hearing.

Signed at Washington, D. C., this 17th day of September 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-7087; Filed, September 22, 1941; 11:48 a. m.]

IN THE MATTER OF AMENDMENT OF THE CERTIFICATES APPLYING TO THE EMPLOYMENT OF LEARNERS UNDER SECTION 14 OF THE FAIR LABOR STANDARDS ACT IN THE SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

NOTICE OF AMENDMENT OF CERTIFICATES

All holders of Special Learner Certificates in the Single Pants, Shirts, and Allied Garments and Women's Apparel Industries issued pursuant to Regulations dated September 4, 1940, are notified that the terms of such certificates are hereby amended as of September 29, 1941 to provide for the employment of learners in accordance with the terms of the Regulations Applicable to the Employment of Learners in the Single Pants, Shirts, and Allied Garments and Women's Apparel Industries, (Part 522—§§ 522.160 to 522.178—Chapter V, Wage and Hour Division[1]).

Each holder of a certificate in these industries will be sent a copy of the amended terms of the certificate. Any holder who has not received the amendment by September 29, 1941 should apply to the Hearings Branch, Wage and Hour Division, Washington, D. C. for his copy.

Signed at Washington, D. C. this 20th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7030; Filed, September 22, 1941; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862 and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940, (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940, (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940, (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446)

Woolen Learner Regulations, October 30, 1940, (5 F.R. 4302)

[1] 6 F.R. 4839.

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 22, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage:

Bath Pant Company, 2 School Street, Bath, Maine; Pants; 20 learners; January 5, 1942.

Carwood Manufacturing Company, Monroe, Georgia; Overalls and Denim Coats; 125 learners; January 5, 1942.

Consolidated Garment Manufacturing Company, 225 North Market Street, Galion, Ohio; Nightwear, Slacks, Uniforms; 10 learners; January 19, 1942.

Freeman Manufacturing Company, 900 West Chicago Road, Sturgis, Michigan; Surgical, Abdominal Supports, Girdles; 5 learners; September 22, 1942.

Lakeland Manufacturing Company, 14th and Alabama, Sheboygan, Wisconsin; Mackinaws, Jackets, Sport Coats, Snow Suits; 5 percent; September 22, 1942.

Marcus and Wiesen, Inc., 26 East 14th Street, New York, New York; Sanitary Belts, Garter Belts, Two Way Stretch Panties and Girdles, Ladies' Garters and Shoulder Straps; 5 percent; March 16, 1942.

Riviera Sportswear Manufacturing Company, 6356 Hollywood Boulevard, Hollywood, California; Trousers, Sport Jackets, Sport Shirts, Swim and Play Shorts; 1 learner; September 22, 1942.

S. Rosenbloom, Inc., Duncannon, Pennsylvania; Shirts; 10 percent; December 15, 1941.

Standard Pad Company, 1803-5 John Street, Cincinnati, Ohio; Shoulder and Sleeve Pads; 5 learners; September 22, 1942.

Artificial Flower and Feather Industry

H. Brand Feather Company, 7 West 36th Street, New York, N. Y.; 5 learners; November 3, 1941.

Schapiro Feather Company, Inc., 147 West 26th Street, New York, N. Y.; 4 learners; November 3, 1941.

Gloves

Fubian Glove Company, 6005 14th Avenue, Brooklyn, New York; Leather Dress Gloves; 7 learners; March 22, 1942.

Metropolitan Glove Company, 67 E. Fulton Street, Gloversville, New York; Leather Dress Gloves; 2 learners; September 22, 1942.

Sterling Silk Glove Company, 25 Messinger Street, Bangor, Pennsylvania; Knit Fabric Gloves; 35 learners; March 22, 1942.

Hosiery

Freeman Manufacturing Company, 900 West Chicago Road, Sturgis, Michigan; Seamless Hosiery; 5 learners; September 22, 1942.

Quitman Hosiery Mill, Inc., Washington Street, Quitman, Georgia; Full-Fashioned Hosiery; 5 learners; September 22, 1942.

The Independent Branch of the Telephone Industry

Fowler Telephone Company, 713 Main Street, Pella, Iowa; to employ learners at the Fowler Exchange (as indicated in the Telephone Order) as commercial and switchboard operators until September 22, 1942.

Knitted Wear

Freeman Manufacturing Company, 900 West Chicago Road, Sturgis, Michigan; Knitted Elastic Fabrics; 5 learners; September 22, 1942.

Textile Industry

Chenille Crafts Corporation, 907 Broadway, Fall River, Massachusetts; Bedspreads; 50 learners; January 19, 1942.

Cloverleaf Products Company, 1597 Howard Street, San Francisco, California; Chenille Bedspreads; 4 learners; January 19, 1942.

Fife Fabrics, Inc., 626 North Locust Street, Memence, Illinois; Drapery, Upholstery and Novelty Fabrics; 2 learners; September 22, 1942.

Signed at Washington, D. C., this 22nd day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7089; Filed, September 22, 1941; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 22, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Appleton Paper Products, Appleton, Wisconsin; Converted Paper Products; Paper Set-Up Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 23, 1942.

Christian Steinmetz and Sons Company, 25th and Wood, Wheeling, West Virginia; Converted Paper Products; Set-up Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations on set-up boxes only, except cutting, scoring and slitting; March 23, 1942.

Hawkeye Pearl Button Company, 2nd and Orange Streets, Muscatine, Iowa; Pearl Buttons; 8 learners; 8 weeks for any one learner; 25 cents per hour; Button sorters, Automatic button machine operators, Button grinder; December 1, 1941.

Jacksonville Ginter Box Company, Inc., 16th and Walnut Street, Jacksonville, Florida; Converted Paper Products; Wood and Combination Cigar Boxes and Set-Up Cardboard Boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box-making operations on set-up boxes only, except cutting, scoring and slitting; March 21, 1942.

Lycoming Paper Box Company, 115 Seminary Street, Williamsport, Pennsylvania; Converted Paper Products; Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 21, 1942.

Sanford Jay Novelties, 57 East 11th Street, New York, New York; Billfolds, key cases, cheap camera cases, memo books; 2 learners; 30 cents per hour; 6 weeks for any one learner (240 hours); Stamping machine, embossing machine, eyeletting machine, stapling machine, press and shear operator; December 20, 1941.

Sheboygan Paper Box Company, 9th and S. Water Streets, Sheboygan, Wisconsin; Converted Paper Products; Set-Up and Folding Paper Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, on set-up boxes only,

except cutting, scoring and slitting; March 23, 1942.

John H. Swisher and Son, Inc., 501 E. 16th Street, Jacksonville, Florida; Cigar Industry; 10 percent of its packers and 10% of its machine strippers; 4 weeks and 8 weeks for any one learner respectively; 75% of applicable minimum wage rate; Machine Strippers, Packers; September 18, 1942. (This certificate effective September 18, 1941, and omitted from Register of that date).

Suffolk Craftsmen, Inc., Woodbury Avenue, Huntington, New York; Luggage; 3 learners; 6 weeks for any one learner; 30 cents per hour; Coverer, Riveter, Paster, Gluer; December 29, 1941.

Signed at Washington, D. C., this 22nd day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7088; Filed, September 22, 1941; 11:49 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 491]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., UNDER SECTION 408 (b) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, FOR APPROVAL OF THE ACQUISITION OF ALL, OR SUBSTANTIALLY ALL, OF THE ISSUED AND OUTSTANDING STOCK OF TACA, S. A.

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is hereby assigned for oral argument before the Board on September 25, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated: Washington, D. C., September 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7071; Filed, September 22, 1941; 10:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6155]

NOTICE RELATIVE TO AIR-WAVES, INC. (NEW)

Application dated April 26, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Baton Rouge, La.; operating assignment specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Henry Norman Saurage, Docket No. 6156, Louisiana Communications, Inc., Docket No. 6157, and William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company, Docket No. 6158, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience, and necessity would be served by a grant of this application and the applications of William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company (Docket No. 6158), Louisiana Communications, Inc. (Docket No. 6157), and Henry Norman Saurage (Docket No. 6156), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Air-Waves, Inc., % Woodrow W. Hattic, 1007 Louisiana National Bank Building, Baton Rouge, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7058; Filed, September 20, 1941; 10:24 a. m.]

[Docket No. 6156]

NOTICE RELATIVE TO HENRY NORMAN SAURAGE (NEW)

Application dated May 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Baton Rouge, La.; operating assignment specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Air-Waves, Inc., Docket No. 6155, Louisiana Communications, Inc., Docket No. 6157, and William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company, Docket No. 6158, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render, if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience, and necessity would be served by a grant of this application and the applications of Louisiana Communications, Inc. (Docket No. 6157), William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company (Docket No. 6158), and Air-Waves, Inc. (Docket No. 6155), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Henry Norman Saurage, 333 North 16th Street, Baton Rouge, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7059; Filed, September 20, 1941; 10:24 a. m.]

[Docket No. 6157]

NOTICE RELATIVE TO LOUISIANA COMMUNICATIONS, INC. (NEW)

Application dated July 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Baton Rouge, La.; operating assignment

specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Air-Waves, Inc., Docket No. 6155, Henry Norman Saurage, Docket No. 6156, and William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company, Docket No. 6158, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render, if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience, and necessity would be served by a grant of this application and the applications of William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company (Docket No. 6158), Henry Norman Saurage (Docket No. 6156), and Air-Waves, Inc. (Docket No. 6155), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Louisiana Communications, Inc., % Robert A. Hart II., 452 Lafayette Street, Baton Rouge, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7060; Filed, September 20, 1941; 10:24 a. m.]

[Docket No. 6158]

NOTICE RELATIVE TO WILLIAM J. BRAY, JAMES L. EWING, T. B. LANFORD, AND JOHN C. MCCORMACK, d/b AS CAPITOL BROADCASTING CO. (NEW)

Application dated May 7, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Port Allen, Louisiana; operating assignment specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Air-Waves, Inc., Docket No. 6155, Henry Norman Saurage, Docket No. 6156, and Louisiana Communications, Inc., Docket No. 6157, for the following reasons:

1. To determine applicants' qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicants may be expected to render if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience and necessity would be served by grant of this application and the applications of Louisiana Communications, Inc. (Docket No. 6157), Henry Norman Saurage (Docket No. 6156), and Air-Waves, Inc. (Docket No. 6155), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' address is as follows:

William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, d/b as Capitol Broadcasting Company, % John C. McCormack, P. O. Box 1387, Shreveport, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7061; Filed, September 20, 1941; 10:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-25]

IN THE MATTER OF THE UNITED CORPORATION, RESPONDENT

ORDER FOR HEARING ON RESPONDENT'S MOTION TO DISMISS PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1941.

The Commission, having, on July 28, 1941, issued its Notice of and Order instituting proceedings and setting date for hearing under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935, with respect to the above-named Respondent; and

The Respondent, on September 15, 1941, having filed its answer wherein it prays that said proceedings under sections 11 (b) (1) and 11 (b) (2) of the Act be dismissed on several alleged grounds, including the following:

(1) The Respondent is not a part of any holding company system or any public utility system;

(2) There has been no determination as to compliance, with the requirements of sections 11 (b) (1) and 11 (b) (2) of the Act, of each of the holding company systems headed by each of the Respondent's subsidiaries;

(3) The Respondent has not received adequate notice of the proceeding under section 11 (b) (1) of the Act;

(4) Sections 11 (b) (1) and 11 (b) (2) of the Act are unconstitutional;

Wherefore it is ordered, That a hearing be held on October 2, 1941 at 10:00 o'clock in the forenoon of that day, in Room 1102 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. at which time the Commission will hear the Respondent as to its motion to dismiss the proceedings, on all the grounds alleged therein, and will consider, in the event that said motion is denied, the simplification of the issues, the facts and issues that appear to be without substantial basis of controversy, the order of the

presentation of evidence most conducive to orderly proceedings and such other matters as may aid in the disposition of the proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7084; Filed, September 22, 1941; 11:28 a. m.]

[File Nos. 7-554, 7-555, 7-556, 7-557]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO: CENTRAL POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE AUGUST 1, 1969; KENTUCKY UTILITIES COMPANY FIRST MORTGAGE BONDS, 4% SERIES, DUE JANUARY 1, 1970; 4½% SINKING FUND MORTGAGE BONDS DUE FEBRUARY 1, 1955; WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of September, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, October 14, 1941, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7085; Filed, September 22, 1941; 11:23 a. m.]